

## OWEN TERRY TODAY GRANTED ANOTHER HEARING BY JUDGE

New Trial on Charge of Being Accessory to Murder, Starts September 8.

### PROSECUTOR OBJECTS

Court States Grounds Upon Which the Petition was Granted.

Owen Terry, who was convicted of being an accessory in the murder of Marshal Richardson last Friday morning, after the jury had deliberated for twenty-three hours, was granted a new trial this morning by Judge Fox. The prosecutor argued every point of law in the case and reviewed the testimony of prosecuting witnesses in an attempt to oppose the granting of a new trial. The murder took place in Cottage Grove last March.

"If you grant this man a new trial we never will be able to get a jury in Wayne county which will convict Terry," said Reller. "The jury was a fair one. On what grounds can you give this man a new trial?" he asked.

"I grant him a new trial on the grounds that the state did not prove beyond a reasonable doubt that the man was guilty of being an accessory before the fact," said the court.

**Testimony Reviewed.**

Terry was accused of handing his father, Will Terry, the gun with which the latter shot and killed Richardson. Reller in opposing the petition of witnesses Bud Todd, Kenneth Hackler and Arthur Gardner. Todd testified that the gun used by Will Terry in shooting Richardson was in the possession and was owned by Owen Terry a few weeks before the crime. Hackler said he saw the gun in the possession of Owen Terry the afternoon the crime was committed. Gardner recognized the gun as the one handed by Owen Terry to his father just before Richardson was shot.

According to Bossert the verdict of the jury did not substantiate evidence and law in the case. He argued that the circumstances concerning the crime would not justify the defendant in being brought to trial on the indictment returned by the Union county grand jury. His handling the gun to his father would not justify the charges brought against him unless he had urged his father to kill Richardson or unless he had premeditated the crime with his parent, according to Bossert's argument.

Bossert further said the character of the state's witnesses was impeachable. "Many of them are gamblers, drunkards and one is a bootlegger," he said.

Reller said he discredited the testimony of Mrs. Terry and the sister of the defendant because of the interest they were taking in the case. "Blood is thicker than water and I am not surprised they testified as they did," he said.

The prosecutor quoted the testimony of one of the witnesses who testified that Will Terry said, "I wish I had a gun." Then when the trouble started Terry walked after his son and came back with the gun, and Gardner said he saw him hand his father the gun," said the prosecutor.

Judge Fox also stated that the marshal had exceeded his authority in arresting Robert Terry, a brother of Owen Terry. Robert Terry was knocked down by the marshal with a club, according to the testimony of the witnesses. The court cited 135th Indiana common law as an instance where a defendant was freed from a charge of murder after he had shot a marshal after the officer had knocked him down with a club. Robert Terry is now serving a sentence in the penitentiary for cutting George Webb, deputy marshal, with a knife at the time the murder was committed.

The new trial of the defendant will be started September 8. In setting the date for the trial the court said he did not want to keep any guilty man out of prison, but there would not be any doubt as to a man's guilt when sent to the penitentiary from the Wayne circuit court when he was on the bench.

The first ballot of the jury, six for acquittal and six for conviction, was commented upon by the court. "If those six men had thought Terry was innocent they should never have changed their decision," said the judge.

## MILITANTS BURN A \$60,000 THEATRE

(National News Association)

CHISWICK, Eng., Aug. 20.—Militant suffragettes caused \$60,000 damage here today by burning down a theatre. The building was destroyed within less than an hour as the interior had been soaked with oil and grease.

## DR. SUN IN JAPAN

(National News Association)

TOKIO, Aug. 20.—Dr. Sun Yat Sen, first president of China and one of the instigators of the present revolution in southern China, who arrived at Yokohama yesterday, left today for Canada. It was said here that Dr. Sun will cross Canada and sail for England from the eastern coast. He expects to raise funds in England.

## Young Woman Expert Probing Fatal Fire



MISS FRANCES PERKINS.

"The Binghamton fire is an illustration of the criminal ignorance of exempting four-story factory buildings from the law requiring staircases enclosed in fire-proofing material." This was the comment of Miss Frances Perkins, secretary of the committee of safety of the city of New York, who was at Binghamton, N. Y., investigating the fire catastrophe of the Freeman overall plant, in which 63 lives were lost. Miss Perkins lays the entire blame for the great loss of life on the state legislature, which allowed the fire prevention bill to pass with the exempting clause in it.

## SHOULD NOT PERMIT THE JAPANESE TO IMMIGRATE

That the Japanese are fatalists and should not be permitted to immigrate to this country under any circumstances was the keynote of an eloquent and stirring address delivered by Montaville Flowers on the "Colored Guard and Picket Line" at the Chautauqua grounds this afternoon. He spoke to a large audience.

"Do you know that it was not until sixty days ago that the Japanese revealed their true intentions and purposes of settling in this country," he asked. "Do you know that Japanese lecturers are campaigning the United States in the interests of their side of the controversy by branding the American people as ignorant jingoes and criminal demagogues?"

**Important Problem.**

"No question of greater significance, no problem of greater importance was ever faced by the American people. This lecture is given with the hope that the people will be able to fully appreciate what Japanese immigration to the United States really means.

Japan's true intentions is the intermingling and intermarrying of her race with the white race. This is her reason. The Japanese is a fatalist and the mind of a fatalist is that of a barbarian. He will never unless he is permitted to intermarry with the Caucasian race, develop the stature and intellect of the white man. The fatalist's mind accepts trouble, privation, battle, war, death, everything just as they come.

## BELT CAR STRUCK YOUNG NICHOLSON

However, He Was Not Badly Injured—Bicycle Was Demolished.

Herschel Nicholson, twelve-year-old son of Mr. and Mrs. F. C. Nicholson, 423 South Eighth street, was hit by belt car No. 302 about 4:30 o'clock yesterday afternoon. The accident occurred on Main street between Tenth and Eleventh streets. Although knocked from his wheel, which was completely demolished, the boy was thrown clear of the track and escaped with but a few scratches.

Young Nicholson was turning his bicycle in the street, when the car, which was going east, struck him. The car was running slowly at the time, according to witnesses who say that Motorman Pickering stopped within four feet after hitting the boy. Conductor A. Kiphart had charge of the car.

## APPLIANCE MAKES AEROPLANE SAFE

(National News Association)

PARIS, Aug. 20.—A new appliance to make aeroplaning safe was successfully tried out at the Chautauqua aerodrome today. Aviator Pegoud ascended 700 feet in a monoplane and then intentionally tipped the machine over. An automatic parachute attached to the machine saved Pegoud's life.

## VINEGAR ADMITS DRINKING CIDER

"Yes, your honor, I drank too much hard cider," said Robert Vinegar in police court this morning, in answer to a charge of public intoxication. He was fined one dollar and costs, which he paid.

Although the court officials believe that Vinegar was not telling the truth when he said he had become intoxicated on cider, the police say that this must have been the case, as the man was arrested Monday night, and was still too intoxicated yesterday morning to appear in court. Vinegar is a section hand on the C. & O. railroad and resides at Williamsburg.

## IMPERSONATION OF HAMLET CHARACTER DELIGHTS AUDIENCE

A Warm Welcome Given Mr. Flowers by Large Chautauqua Crowd.

### HAS ANOTHER LECTURE

Illinois Glee Club Rendered Beautiful Program Last Night.

**TONIGHT'S PROGRAM.**  
7:00 p. m.—Illinois Glee Club.  
8:00 p. m.—Evelyn Bargelt, Cartoonist and Chalk Talker.  
**TOMORROW'S PROGRAM.**  
9:30 a. m.—Mrs. Adams, "Cleaning Waste Places."  
10:30 a. m.—Prof. Adams, "Dreamers."  
1:15 p. m.—Illinois Glee Club.  
2:30 p. m.—Mrs. Adams, "Advanced Ideals."  
4:00 p. m.—Illinois Glee Club.  
7:00 p. m.—Illinois Glee Club.  
8:00 p. m.—Judge Marcus A. Kavanaugh, "Traitors to Justice."

With voice and action excellently suited to his task, Montaville Flowers, well-known lecturer, gave an impersonation of "Hamlet" of Shakespeare's tragedy before a large and appreciative audience at the Chautauqua last night. Nothing of similar nature has been heard here this year.

"Sunshine" Hawks, platform manager introduced Mr. Flowers, saying he is the best interpreter of Shakespeare on the Chautauqua platform and a warm welcome was given the lecturer when he stepped forward.

**Hamlet Not Insane.**

He precluded his impersonation with a brief discussion of Hamlet. Since practically all criticism of Hamlet centers on the question, "Was Hamlet Mad?" Mr. Flowers answers the problem in the negative, saying:

"Hamlet is treated as a boy. Is he insane? No. And we of the twentieth century can appreciate that he is not better than those critics who lived in earlier centuries. He says he intends to act so as to deceive his uncle whom he suspects, practically knows is the murderer of his father, the King of Denmark."

"Hamlet is a young man, sensitive, gentle, universally loved with extraordinary brilliancy of mind and possessing an extensive vocabulary of words and phrases which often make him misunderstood by his less intellectual friends. Horatio, Hamlet's bosom friend thinks he is mad, his mother and sweetheart, Ophelia, cry aloud that he is insane and Polonius asks him that significant question, 'Do you know me?' and believes him mad when Hamlet answers: 'Excellent well: You are a fishmonger.'"

**Play in Three Parts.**

Mr. Flowers gave the play in three parts, outlining it after the first appearance of the ghost of his father. The impersonator displayed his appreciation of the root of the tragedy affecting point—the ruin and downfall of a high and noble soul. It is this and not the murder and massacre of the play that is the tragedy, he said.

**Emotions Brought Out.**

Throughout his production, Montaville Flowers, brought out wherever it came in the play, passion, anger, remorse, love kindness, and other feelings and characteristic actions of the players in the tragedy. With equal genius he affected the brogue of servants and guards. He mimicked well the deep-toned utterances of the King, Hamlet's uncle, the plaintive voice of Ophelia and the conversation of Hamlet, sorrowful, sarcastic, angry at different times.

Hamlet's emotions in the play are varied and Mr. Flowers impersonated him throughout the production to a true degree. The genius of Shakespeare was shown in his task and his audience was given a true glimpse of Hamlet's nature.

**Dialogue and Soliloquy.**

Bits of dialogue and soliloquy, difficult for the speaker but impersonated by him remarkably well aroused the admiration of his audience. After each act he was enthusiastically applauded.

Mr. Flowers on being introduced declared that he had two lectures for the audience to decide which they would rather hear. Either the impersonation of Hamlet or a lecture called the "Colored Guard and Picket Line, a discussion of Japan's foothold in the United States. He said he preferred to give the lecture but would leave it to a vote. The people decided for the impersonation of Hamlet and so today Mr. Flowers gave his lecture on Japan.

**Glee Club Popular.**

With each appearance the ability of the Illinois Glee Club, composed of four young Chautauqua singers, is shown to better degree and they are rapidly establishing themselves in the admiration of the audiences attending the Richmond Chautauqua. Each has a voice of good tone.

Following is the program rendered last evening:

In the Shadows and Soft and Low—The Bells.  
Saidrus chorus from Faust and Way Down South—Quartet.  
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## PREPARING NOW FOR NOVEMBER CAMPAIGN

Montaville Flowers Says Progressive Party is Sure to Grow.

### THINGS TO BE DONE

Chautauqua Lecturer Says National Party is a Local Party.

That every political party that began as a national party became a local party when its national issues were applied to local conditions, was the assertion of Montaville Flowers, chief of these speakers' bureau of the public city department of the Progressive national party, in speaking of the preparation and organization which is now going on for the coming November campaign.

Mr. Flowers is a Chautauqua lecturer and delivered "Hamlet" last night and a speech this afternoon on the grounds. He has been in Chautauqua work for a number of years. With the birth of the Progressive party last fall, he joined it and became one of its most enthusiastic and influential members.

**Chief Speaker's Bureau.**

The effective work done by him during the last campaign was noticed by the leaders and he was made chief of the speakers' bureau because of his wide experience and high standing as president of the International Lyceum Association. He has attended conferences at which Theodore Roosevelt and other leaders of the party have been present and is in close touch with what is being done.

"Notwithstanding all reports to the contrary, the Progressive party will not only live but will grow larger as time progresses," he declared. "The party is now uniting and preparing for the November campaign."

"It takes national issues to bring out the full force of the party and so I maintain that no party that begins as a local party lived and yet in cases of vice versa, the party always lived and became a dominating factor. Apply the national issues and principles to the local conditions and vote the local ticket. This is the advice being sent out from the bureau to the followers of this party."

**Results Brought About.**

"We think it is doing well to elect a mayor at this time, a year after the election of a party. The Cincinnati Enquirer in its leading editorial recently paid the highest tribute that has yet been paid to the real value and real need of the national progressive movement when it said only a year ago that but three states in the union had laws on Mothers' pensions and Social insurance, while twenty states today have those laws and a dozen others are considering them through their legislatures."

"It is proven that the Progressive party has done more than the two old parties have done in power in a half century of legislation."

Mr. Flowers was enthusiastically received in Richmond and made a success of his lectures last night and this afternoon at the Chautauqua. He is moving his family from Los Angeles, California to New York city in order that he can be at the Progressive headquarters. In the near future he has an appointment with Ex-Senator Albert J. Beveridge and the two men will discuss the line of campaign to be conducted this fall.

## DESIRES GASOLINE TAKEN UNDERGROUND

Fire Chief Miller Will Communicate With State Marshal.

The state fire marshal has issued orders to almost every city in the state that gasoline tanks must be placed under ground. Fire Chief Miller has, as yet, received none of these orders and is very anxious to have this ruling in effect here.

"Richmond has been fortunate in having no gasoline tank explosions and I believe that we should safeguard ourselves by placing the tanks underground before there is such a calamity here as would be caused by a gasoline explosion as these usually result in the loss of life or at least serious injury to a number of persons." The fire chief will communicate with the fire marshal.

## COUNSEL TO THAW

Will Fight Return to State of New York.

(National News Association)

SPRINGFIELD, Mass., Aug. 20.—Mr. and Mrs. George Lauder Carnegie, brother-in-law and sister of Harry K. Thaw, passed through her today on their way to Sherbrook, Canada, to assist in the legal battle to prevent the return of Harry Thaw to New York. They were accompanied by counsel. Neither Mr. and Mrs. Carnegie left their car until long after it was attached to an express bound for White River Junction.

## 1913 IS TO PROVE A RECORD BREAKER IN BUILDING HERE

Already 210 Building Permits Have Been Issued By City.

### GOT A LATE START

Expected That the Total Cost Will Run Above Half-Million Mark.

That this year will prove a record building year is the opinion of City Controller McMahan and several well known real estate men in the city. Already 210 permits for buildings valued at \$359,300 have been issued by the controller and with more than four months of the year remaining, this sum is only \$70,000 less than the total cost of the buildings erected last year and plans for several large dwellings and business houses to be erected this year are on foot.

It is believed that this record would have been much higher had it not been for the rains in the spring. Building was delayed and from the prospects in late spring, 1913 was expected to be one of the poorest building years experienced here for some time. The spring floods also delayed the shipping of building materials.

**\$430,639 Last Year.**

The total amount of building last year was \$430,639. There were several large buildings erected and a number of residences which cost several thousand dollars to build. Last year was considered a banner year for building.

In July there were only 60 vacant houses. The count was taken after the dearth in substantial workmen's residences was felt here so keenly and this small number of houses which were not occupied surprised many. Several of the sixty vacant houses were almost unfit for tenancy. The result of this count was the immediate planning of a number of small homes which could be rented cheaply and yet furnish the workingmen with comfortable residences in a good part of the city.

**Reversion Dwellings.**

It is now anticipated that a number of fine dwellings will be erected in Reversion place. The progress that has been made in the improvements there, point towards heavy building this fall. Other points in the east end will be built up with the opening of Reversion place, and ground has been broken for several residences which will cost more than \$5,000 each. These are not included in the total for buildings so far this year as permits have not been taken out for them as yet.

**Push Two Additions.**

The promoters of Bungalow Hill and Pleasant Hill in West Richmond will push the buildings in these additions and permits for houses of which the total values expected to exceed \$25,000 will be taken out soon. A number of houses are planned for East Main street opposite Glen Miller park since the construction of curbs and sidewalks has made entrance to this ground more convenient.

Several plots of ground have been opened in the neighborhood of Beallview in South Richmond and although the building in this section is not heavy, the additions of the subdivisions will cause an increase in the number of houses built.

**All Contractors Busy.**

Contractors find more work than they care of and the chief concern now is to secure efficient workmen. Carpenters, bricklayers, masons and other artisans have been at work continually for the summer and expect enough inside work this winter to keep them employed during the cold months.

It was learned recently that plans for several large office buildings are being made. One of these, to be constructed this fall, will cost more than \$25,000.

Some of the largest permits taken out this year were: Miller Bros., new warehouse, \$30,000; Pilot Motor Car company, factory, \$75,000; School corporation, Morton school house, West Richmond, \$30,000; John Evans, office building, Tenth and Main, \$30,000; Eagles Lodge, lodge building, 22 South Seventh street, \$20,000; Linden Realty company, apartment house, 13 North Tenth street, \$10,000. The highest priced residence built this year, is now under construction at 1429 Main street. This will cost the builder, William F. Carr, \$11,000.

## JOHN A. BUFFKIN DIES IN OKLAHOMA

Friends of John A. Buffkin, a former Richmond business man, have been notified of his death in Oklahoma. Mr. Buffkin lived in Richmond a number of years and was engaged in the retail meat business on Main street.

## THE WEATHER

STATE AND LOCAL—Fair tonight and Thursday; warmer in northeast portion tonight.

**TEMPERATURE**

Noon	Yesterday	87
Maximum		89
Minimum		68

## D. L. MATHER DIED LAST EVENING AT CARP LAKE, MICH.

Prominent Local Business Man Succumbs to Apoplexy.

### VERY UNEXPECTED

Entered Coal and Lumber Business in This City in 1876.

David Lindsey Mather, 60, one of Richmond's most prominent business men, died at Carp Lake, Michigan, last midnight of apoplexy. The body will be brought here. Funeral arrangements will be announced later.

Last Thursday, Mr. and Mrs. Mather left for a ten days' pleasure trip to the Michigan resort, where they had been accustomed to go each summer. Mr. Mather had been in the best of health. He had had no previous attacks of apoplexy.

About 11 o'clock last night a telegram was received saying that Mr. Mather was seriously ill. About 2 o'clock this morning word was received of his death. It is believed that Mr. Mather over-exerted himself, as he was a very active man for his age.

He was born on a farm, near Lebanon, Ohio, June 22, 1852, and his early boyhood was spent there. Later he attended the country school and Earlham college when it was a boarding school. In 1871 and 1872, he taught school in Warren county and in 1873 at Bethel, Indiana.

In 1876, Mr. Mather entered the coal and lumber business in this city and in 1880 he was joined by his brother, Harry, in the firm well known as Mather Brothers. In 1899 this firm was incorporated under the name of Mather Bros. Company, of which the deceased member was the secretary and treasurer.

Mr. Mather was a Knight Templar and a member of the Travelers' Protective association. He was an active member of the local Commercial club and always a public spirited man. As trustee of the First Presbyterian church, he was most faithful in his devotion to its interests.

Mr. Mather was married to Miss Emma E. Harris of Cincinnati, on December 19, 1878, who, with one sister and two brothers, survive him. Mrs. Albert Kelsey, 24 North Twelfth street, and Harry Mather, 101 South Eighth street, and Samuel Mather, of Spring Grove.

As there has been very little communication with the prostrated wife, the bereaved relatives here are overcome with anxiety. It is hoped that some definite word will be received here soon.

## MILLER WILL ASK \$37,000 FOR 1914

New Aerial Ladder Truck, Costing About \$8,500, is Desired.

City Controller McMahan has received a written account from Fire Chief Miller of the anticipated needs of the department for the coming year, to be used in making up the budget. The chief wants \$37,000 for the department's use.

It is anticipated that the salaries will increase over those of last year, which amounted to \$22,000, and therefore \$25,000 will be asked for this purpose. The new aerial ladder truck, which is needed by the fire companies, will cost at least \$8,500 or \$9,000. As the chief fire engineer expects the council to pass favorably on this plan, he included this amount. Horse feed is \$1,000, while miscellaneous expenses usually amount to \$2,000 for chemicals and expenses in answering fires.

In the budget made up in September, 1911, \$5,672.51 was allowed for a new fire truck. This auto truck has cost the department only 26 cents a day for upkeep, while a horse costs 40 cents a day and two are required for each wagon.

## BIG CONSUMPTION OF "COFFIN NAILS"

(National News Association)

INDIANAPOLIS, Aug. 20.—Hoosiers are not letting the inhabitants of other states "put anything over on them" when it comes to the consumption of liquors, cigarettes and cigars, according to revenue returns for the year ending June 30, 1913, as compared with the similar period just preceding it.

The net increase in revenue receipts for the entire state was \$1,202,189.89 split as follows:

Indianapolis district, \$10,902,839 in 1912, as against \$10,923,816.20 in 1912. The consumption of "coffin nails" was tremendous.

## BOX CAR ON FIRE

A small fire of unknown origin was discovered this morning by railroad men in a car used by the fence repair gang. The box car was in a string along the Pennsylvania railroad at Sixteenth and North F streets, and threatened the train. The hose companies extinguished the blaze before it spread. The loss was slight.